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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,074	03/28/2001	Huig Klinkenberg	ACO2774US	4035

7590

03/04/2003

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EXAMINER

BERMAN, SUSAN W

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 03/04/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,074

Applicant(s)

KLINKENBERG ET AL.

Examiner

Susan W Berman

Art Unit

1711

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

The rejections of claims 14 and 15 under 35 U.S.C. 112, second paragraph, and claim 15 under 35 U.S.C. 101 are withdrawn. The rejections of claims 1, 4, 5 and 8-15 under 35 U.S.C. 102(b) as being anticipated by WO 94/28075, EP 0 448 154, CA 2,101,504 or equivalent EP 0 582 188. The rejections set forth in paper number 8 over Akkerman (4,602,061) in combination with WO '524 or WO '964 are withdrawn in order to simplify the issues. Each of Akkerman and EP 0 582 188 teaches blocked basic catalysts activated by heating in compositions comprising components (A) and (B) set forth in the instant claims, but do not mention adding a photoactivatable base or other kind of photoinitiator. The disclosure of CA '504 is considered to be closest to the instantly claimed invention.

***Response to Arguments***

New grounds of rejection over CA '504 in view of WO '964 or WO '524 are set forth below.

Applicant argues that one skilled in the art would not have been motivated to combine the teachings of CA '504 to provide a two component system, wherein the photoinitiator is mixed with the reactive components to provide one component and the blocked basic catalyst is in a second component, with the teachings of WP '964 or WO '524 to provide a one-component system. However, as set forth in the rejections below, CA '504 teaches a two component system comprising a photoinitiator and a basic catalyst, thus providing motivation to use two different kinds of initiator in a two-component system. Each of WO '964 and WO '524 teaches that the disclosed photoactivatable bases provide a higher level of storage stability to a composition containing the disclosed photoinitiator and reactive components corresponding to those instantly claimed. Applicant's claims do not require that the claimed compositions be stored in one pot.

*Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 2 101 504 A in view of WO 00/10964, published March 02, 2000. The translation provided by applicant in copending Serial No. 09/865025 is relied upon for the disclosure of WO '964. CA '504 discloses compositions comprising a photoinitiator, such as free radical acylphosphine oxides or arylketones or cationic sulphonium salts and the instantly claimed composition components (A), (B) and (C). The sensitizers set forth in instant claim 6 are taught. CA '504 teaches that the polymerization of the disclosed compositions is catalyzed by a basic catalyst in the particularly suitable form of Lewis bases, such as amines or amidines. The specific catalysts (D) taught by CA '504 correspond to the catalyst (C) claimed by applicant. CA '504 teaches that the disclosed binders are particularly suitable for automotive repair lacquers. CA '504 does not disclose ammonium, iminium or amidinium borate salts corresponding to applicant's photoinitiator component (D).

WO '964 discloses alpha-ammonium alkenes, iminium alkenes and amidinium alkenes in the form of tetraryl- or triaryl-alkylborate salts for use in systems that require a photoinitiator which splits off a base during irradiation. WO '964 teaches that the disclosed compounds have a high level of sensitivity, that their absorption spectrum can be varied within a wide range and that the compounds enable preparation of one-pot systems having an "extraordinarily high level of storage stability" (page 1, last paragraph, to page 2, line 7). Compositions disclosed comprise preferable base catalysable binders "n" corresponding to the instantly claimed compositions (page 15). WO '964 does not teach adding Lewis or Bronsted bases corresponding to applicant's component (C) as catalysts.

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It would have been obvious to one skilled in the art to employ the photoactivatable bases taught by WO '964 as the photoinitiator in the compositions taught by CA '504. CA '504 provides motivation by teaching that the disclosed compositions are curable by radiation in the presence of a photoinitiator that can be stored with the reactive components of the composition. WO '964 also teaches compositions comprising an ethylenically unsaturated carbonyl compound and a polymer containing activated CH<sub>2</sub> groups are a preferred base-catalysable binder, thus providing motivation to employ the disclosed photoactivatable bases in the compositions taught by CA '504. One of ordinary skill in the art at the time of the invention would have been motivated by an expectation of taking advantage of the curing effects and high level of storage stability of the alpha-ammonium alkenes, imminium alkenes and amidinium alkenes in the form of tetraryl- or triaryl-alkylborate salts taught by WO '964 and the curing effects of the basic catalyst for curing thicker layers or concealed areas taught by CA '504. Compositions comprising both kinds of catalyst would be curable by irradiation and provide crosslinking in thicker layers or concealed areas not reached by UV light because the catalyst is included with the photoinitiator, as taught by CA '504 (page 1, lines 25-31).

Claims 1 and 3-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over CA 2,101,504 in view of WO 98/41524. The disclosure of CA '504 is discussed above. WO '524 discloses photoactivatable nitrogen-containing bases based on alpha-amino alkenes for initiating polymerization of compositions such as "n" defined on page 14 and corresponding to the instantly claimed composition. WO '524 teaches that the alpha-amino alkenes disclosed release an amidine group on light exposure, that the compounds are of high sensitivity, that the absorption spectrum can be varied within a wide range and that the compounds provide one-pot systems having an "extremely long storage life" (page 1, last paragraph, to page 2, line 11). WO '524 does not teach also adding a Lewis or Bronsted base catalyst corresponding to applicant's component (C) set forth in instant claim 1.

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It would have been obvious to one skilled in the art to employ the photoactivatable bases taught by WO '524 as the photoinitiator in the compositions taught by CA '504. CA '504 provides motivation by teaching that the disclosed compositions are curable by radiation in the presence of a photoinitiator that can be stored with the reactive components of the composition. WO '524 also teaches compositions comprising an ethylenically unsaturated carbonyl compound and a polymer containing activated CH<sub>2</sub> groups are a preferred base-catalyzable binder, thus providing motivation to employ the disclosed photoactivatable bases in the compositions taught by CA '504. One of ordinary skill in the art at the time of the invention would have been motivated by an expectation of taking advantage of the curing effects and high level of storage stability of the photoactivatable nitrogen-containing bases based on alpha-amino alkenes taught by WO '964 and the curing effects of the basic catalyst for curing thicker layers or concealed areas taught by CA '504. Compositions comprising both kinds of catalyst would be curable by irradiation and provide crosslinking in thicker layers or concealed areas not reached by UV light because the catalyst is included with the photoinitiator, as taught by CA '504 (page 1, lines 25-31).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan W Berman whose telephone number is 703 308 0040. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 703 308 2462.

The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9310 for regular communications and 703 872 9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0661.



Susan W Berman  
Primary Examiner  
Art Unit 1711

SB  
March 3, 2003